

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1439 of 1996

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

KANSAL STEELS PVT LTD

Versus

GEB

Appearance:

1. Special Civil Application No. 1439 of 1996
MR AJAY R MEHTA for Petitioners
MR NK MAJMUDAR for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 31/03/2004

ORAL JUDGEMENT

The petitioners have challenged the notice dated
12th February 1996 issued by the respondent Board to

M/s.Ess Dee Tin & Steel Industries. The petitioner was not served with the said notice, but in the said communication, a threat was given to the petitioner to disconnect his electricity connection for non-payment of dues of M/s.Rajkumar Industries and M/s.Ess Dee Tin & Steel Industries.

2. Though the respondent is served, no reply is filed on behalf of the respondent. Learned Advocate Mr.Majmudar appearing for the respondent Board has stated that the Board will not disconnect the electricity connection of the petitioners on the ground referred to in the notice dated 12th February 1996 in view of the fact that Clause 2(J) of the agreement is not applicable retrospectively. Apart from that, in view of the judgment of the Supreme Court in the case of M/s.Isha Marbles v. Bihar State Electricity Board and anr. reported in (1995) 2 SCC 648, it is clear that the petitioners are not required to make payment of the earlier owner and therefore, the notice dated 12th February 1996 cannot be implemented against the petitioners. In that view of the matter, the prayer of the petitioners made in para 10(B) to restrain the Board from disconnecting the power supply of the petitioners for any cause related to the dues of M/s.Rajkumar Industries or M/s.Ess Dee Tin & Steel Industries Ltd. is granted. The petition is allowed. Rule is made absolute, with no order as to costs.

(K.S. Jhaveri, J.)
Sreeram.